

JUL 30 2004

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)

Docket No.

Implex-13

In Re Application Of: Bruce Robie et al.

OFFICIAL

Application No.

10/035,863

Filing Date

December 31, 2001

Examiner

Philogene, Pedro

Customer No.

28581

Group Art Unit

3732

Confirmation No.

4928

Invention: INSTRUMENT SYSTEM FOR PREPARING A DISC SPACE BETWEEN ADJACENT VERTEBRAL
BODIES TO RECEIVE A REPAIR DEVICE

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of January 30, 2004 in the above-identified application.
Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated January 30, 2004 *and June 30, 2004 (Advisory Action)* finally rejecting Claim(s) 1, 15, 16, 21-23, 25, 34

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: April 30, 2004*Date*until: July 30, 2004*Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$165.00Fee for Extension of Time: \$475.00TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$640.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

- ☐ A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-2061 in the amount of \$640.00
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2061
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-2061

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BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
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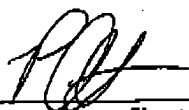
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10/035,863	December 31, 2001	Philogene, Pedro	28581	3732	4928

Invention: INSTRUMENT SYSTEM FOR PREPARING A DISC SPACE BETWEEN ADJACENT VERTEBRAL BODIES TO RECEIVE A REPAIR DEVICE

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: July 30, 2004

Paul A. Schwarz, Esq.
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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax: 703-872-9302)

July 30, 2004
(Date)

Signature

Cheryl L. Powell

Typed or Printed Name of Person Signing Certificate

*This certificate may only be used if paying by deposit account.

Certificate of Mailing

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

P29SMALL/REV03